

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : DONOVAN, Kevin
Serial No. : 09/385,802
Filed : August 30, 1999
For : UNIVERSAL INSTANT MESSAGING SYSTEM
FOR THE INTERNET
Group Art Unit : 2152
Examiner : CHANKONG, Dohm

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2231301459

DECLARATION OF SCOTT RADER, PHD

Sir:

1. The person making this declaration is Scott Rader, PhD, assistant Professor, Marketing, Opus College of Business, University of St. Thomas, 2115 Summit Ave, Mail MCH 316, St. Paul, MN 55105.

2. I have no financial interest in the outcome of this matter, and I am not being paid to do my declaration, which I am instead providing because I personally know that Kevin Donovan made and used his invention in this patent application on a date prior to May 5, 1999, because I was among the users referenced in Paragraph 7 of Kevin Donovan's Supplemental Declaration.

4. At that time, I was employed by Prodigy to do quality assurance, and in that capacity I personally tested and successfully operated the invention as set out in Kevin Donovan's Supplemental Declaration, including encrypting instant message communications, so as to be communicated between a device of a first user at a first realm of Prodigy (me) and a second device of a second user at a second realm of IRC.

5. In proving the operability of the invention, I used the screen corresponding to the screen shot as set out in Kevin Donovan's Supplemental Declaration, and I personally know that the encryption capability of the invention was available in the commercial release of the embodiment that is the subject of the Business Wire article dated May 5, 1999, titled "Prodigy Unveils Next Generation of Instant Messaging".

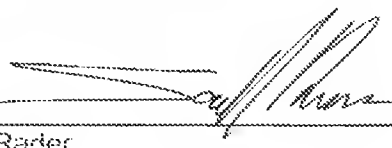
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date:

10/5/2009



Scott Rader